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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Situation in China

Note by the Secretary-General submitted pursuant to Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/5

1. At its forty-first session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted, on 31 August 1989, resolution 1989/5 entitled "Situation in China", as follows:

> "The Sub-Commission on Prevention on Discrimination and Protection of Minorities,
>
> "Concerned about the events which took place recently in China and about their consequences in the field of human rights,
>
> "1. Requests the Secretary-General to transmit to the Commission on Human Rights information provided by the Government of China and by other reliable sources;
>
> "2. Makes an appeal for clemency, in particular in favour of persons deprived of their liberty as a result of the above-mentioned events."

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2. In accordance with operative paragraph 1 of the above-mentioned resolution, the Secretary-General sent, on 30 October 1989, a note verbale to the Minister for Foreign Affairs of China in which he referred to Sub-Commission resolution 1989/5 of 31 August 1989 and requested the Government of China, should it wish to submit information pursuant to operative paragraph 1 of the resolution, to do so before 1 January 1990.

3. On 1 December 1989, the Permanent Representative of the People's Republic of China to the United Nations Office at Geneva replied as follows:

> "Last June, there occurred in Beijing a rebellion which was supported by hostile forces abroad and constituted an attempt to overthrow the legitimate Government of the People's Republic of China and subvert the socialist system set forth in the Constitution through violent means. The Chinese Government took resolute measures to quell the rebellion in the interests of the overwhelming majority of the Chinese people. This is entirely China's internal affairs and is a matter different in nature from the question of human rights. However, with the plotting and encouragement of some Western members, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolution 1989/5 at its forty-first session. This is a brutal interference in China's internal affairs while hurting the feeling of the Chinese people. The Spokesman of the Foreign Ministry of the People's Republic of China issued a statement on 2 September 1989, solemnly declaring the firm objection of the Chinese Government to the resolution and deeming it to be illegal and null and void."

4. On 12 January 1990, the Permanent Representative of the People's Republic of China to the United Nations addressed a letter to the Secretary-General with reference to Sub-Commission resolution 1989/5. At the request of the Permanent Representative this letter was circulated as a document of the Commission on Human Rights at its forty-sixth session (E/CN.4/1990/55).

5. In the report presented by the Special Rapporteur on summary or arbitrary executions to the Commission at its forty-sixth session (E/CN.4/1990/22), paragraphs 85 and 97 and 100 to 113 contain relevant communications of the Special Rapporteur to the Government of China as well as the Government's replies thereto. The report of the Special Rapporteur on the question of torture (E/CN.4/1990/17) also contains, in paragraph 43, a relevant appeal which the Special Rapporteur addressed to the Government of China.

6. In accordance with operative paragraph 1 of Sub-Commission resolution 1989/5, the Secretary-General also wishes to transmit, in the annexes to the present note, information which non-governmental organizations in consultative status with the Economic and Social Council have provided with reference to the above-mentioned resolution.

Annex I

INFORMATION RECEIVED FROM AMNESTY INTERNATIONAL, A NON-GOVERNMENTAL ORGANIZATION IN CONSULTATIVE STATUS (CATEGORY II)

Violations of human rights in China

Introduction

1. In this document Amnesty International describes its concerns about recent human rights violations in China. It believes it important that the recent events be considered in the light of the overall human rights situation in the country.

2. In August 1989, Amnesty International published a report entitled "Preliminary Findings on Killings of Unarmed Civilians, Arbitrary Arrests and Summary Executions since 3 June 1989" which described Amnesty International's concerns about human rights violations in China since early June 1989, when heavily armed troops moved into the centre of Beijing to suppress pro-democracy protests, killing many unarmed protesters and bystanders.

3. Serious violations of human rights continue to occur in China and Amnesty International has not recorded any significant improvement since August 1989. Though releases have occurred, thousands of people continue to be imprisoned throughout China for their participation in the pro-democracy protests of 1989. There have been further arbitrary arrests and prisoners continue to be detained incommunicado without charge or trial, imprisoned or executed after unfair trials. Martial law was lifted in Beijing on 10 January 1990, but no measures of clemency or redress have been announced for those imprisoned as prisoners of conscience, subjected to prolonged detention without charge or trial for political reasons, or sentenced to imprisonment or to death after unfair trials. Indeed, the laws which permit such violations to take place remain in force.

4. Amnesty International estimates that at least 1,000 people were killed and thousands more injured in Beijing in early June 1989 when troops fired into crowds of protesters and bystanders - the vast majority of them unarmed. Amnesty International believes that many of these killings were extrajudicial executions, the result of a deliberate decision by those in authority to suppress the peaceful protests even if this meant widespread killings. The atmosphere of terror which followed the military operation made it impossible to determine the true death toll. Thousands of people were subsequently detained throughout China in connection with the protests, including many prisoners of conscience, and most were held incommunicado for long periods. Some were reported to have been severely beaten or tortured by soldiers or police. Dozens were officially reported to have been sentenced to death or to terms of imprisonment after trials which were summary and unfair, and secret executions were also reported.

5. In March 1989, three months before the killings in Beijing, martial law was imposed in Lhasa, capital of the Tibet Autonomous Region (TAR). Over 1,000 people were subsequently reported to have been arrested there, including prisoners of conscience, and there were reports of torture and summary

executions. Some protesters were brought to trial and sentenced. Others against whom no formal charges were brought were assigned to labour camps for up to three years without any form of trial under legislation providing for administrative detention.

6. Prisoners of conscience arrested in previous years continued to be imprisoned in China throughout 1989 and are still held. During 1989, other cases were reported of people arrested on account of their religious beliefs or political activities which were not connected with the pro-democracy protests. Torture and ill-treatment also continued to be reported in criminal cases and the death penalty continues to be used extensively.

Events in Beijing in early June 1989

7. On 20 May 1989, following five weeks of peaceful student-led demonstrations, martial law was imposed in Beijing. The order was issued in the name of the State Council and signed by Prime Minister Li Peng. Its stated aim was to "firmly stop the unrest", to safeguard public order and to "ensure the normal function" of government.

8. The student protests, which started in Beijing in mid-April 1989 and soon spread to most major cities, received wide popular support and developed into a pro-democracy movement. On 18 May 1989, an estimated one million people demonstrated in Beijing in support of students on hunger-strike and on 23 May 1989 a similar number again took to the streets to protest the imposition of martial law, the largest known popular demonstration of discontent in the history of the People's Republic of China.

9. On the night of 3 to 4 June 1989 hundreds of armoured military vehicles escorted by tens of thousands of troops moved into the centre of Beijing to enforce martial law, firing both at random and deliberately into crowds of protesters and bystanders - the vast majority of them unarmed. Further shootings of unarmed civilians occurred in the next few days. The numerous incidents in which civilians were deliberately shot by soldiers or crushed by military vehicles have been amply documented by the eyewitness testimonies and documents published or broadcast since then. Amnesty International described some of these incidents in its August 1989 report "Preliminary Findings on Killings of Unarmed Civilians, Arbitrary Arrests and Summary Executions Since 3 June 1989". Amnesty International concluded in that report that:

(a) From mid-April until the military operations of 3 and 4 June in Beijing, the popular protest movement started by Beijing students was peaceful. There is no indication that leaders of the protest movement at any point advocated violence or attempted to overthrow the Government by violent means.

(b) During the night of 3 to 4 June, some troops opened fire either at random or deliberately at crowds whenever they met obstructions or large groups of people. No warnings were given before troops opened fire. Conventional methods for the dispersal or control of crowds without resort to firearms or other use of lethal force were not used.

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(c) The vast majority of civilians were unarmed. Some were killed in residential buildings due to random or intentional shooting by troops. Some were shot in the back among crowds of people running away from troops firing at them; some were crushed to death by military vehicles. Those killed included children and old people.

(d) After the army took control of central Beijing there were still, for several days, incidents during which troops opened fire on unarmed civilians without warning or provocation.

(e) Many of the killings of unarmed civilians were extrajudicial executions: deliberate killings by government forces acting outside the limits of the law. Troops deliberately shot and killed individuals even when there was no immediate threat of violence by them, in violation of international standards that lethal force should only be used when absolutely necessary and in direct proportion to the legitimate objective it is intended to achieve.

10. In the past few months, the Chinese authorities have publicized their official version of what happened in Beijing on 3 and 4 June. They have produced videotapes and testimonies from individuals suggesting that the army not only exercised "great restraint", but also that many soldiers were victims of violence provoked by "rioters". Testimonies have been used to support official claims that no one was killed during the final evacuation of Tiananmen Square, but these and other documentation provide only a partial version of what occurred. The authorities have failed to take account of the well-attested incidents in which civilians were deliberately shot by soldiers. They still have not explained why a decision was taken to use lethal force against unarmed civilians, and why conventional crowd control methods were not used to disperse protesters before 3 June. They continue to maintain that some 200 civilians only, as well as "several dozen" soldiers, were killed during the military operation in Beijing; but this represents a gross underestimate. Information received by Amnesty International indicated that at least a thousand civilians and, according to reports, about 16 soldiers were killed.

11. Amnesty International has continued to receive reports and eye witness testimonies about events in Beijing during the night of 3 to 4 June, which generally confirm the description given in its August 1989 report. Some contain new information. One eye witness who stayed in Tiananmen Square until dawn on 4 June reported to Amnesty International that he saw several young women crushed in a tent by an armoured personnel carrier (APC) during the final "clearing" of the square early that morning. Together with members of a medical team, he was one of the last civilians to leave the Square. Extracts from his testimony are given below:

> "Meanwhile, I had gone to a tent northeast of the Monument to the People's Heroes where I met two friends. ... By that time, soldiers had come right across to the Monument, students were leaving the Square by the southeast corner, and APCs were moving down slowly from the north. About half way between the Monument and the tent where I met my friends, a bit further to the north, was one of the temporary tents erected by students with posts and canvas over. The tent was open towards the

south. There were about seven girls inside. The APCs were moving down very slowly but without stopping. I rushed to the tent and told the girls to leave, but they refused. I dragged one of them towards the west. I don't know what happened to her later. I rushed back to the tent. There were three other people trying to persuade the girls to leave. By that time, one of the APCs had come very close to the tent. I could see two soldiers sitting on the metal covering of the APC. I ran in front, shouting at them to stop. They told me to get out of the way. I was shouting and crying, but the APC continued to move ahead. The tent collapsed, trapping the girls inside. The APC went straight over it. I stood to one side, dazed. ... I heard the medical team loudspeaker calling for evacuation. I ran towards them, at the edge of the APCs. Twenty to 30 APCs were coming down slowly, followed by soldiers and armed police. By that time, most of the students had left through the southeast. The medical team was still on the side of the History Museum. A large number of soldiers had been sitting for hours on the steps of the Museum and were still sitting there. They did not move. Fifteen to 20 wounded people had been brought in by students and were lying on the ground at the medical point. There were volleys of shots coming from the southwest side of the Monument. After one volley, three wounded students were brought to the medical point. They had been shot in the back. The soldiers on the steps of the Museum shouted their approval at each volley of firing. The medical team shouted back at them. It was by then impossible to get through to see whether anyone was wounded. A large number of armed police came from the north after the APCs. They picked up broken bricks on the ground and threw them towards the medical team who stood around the wounded. Some people were hurt by the bricks. One soldier ran from the west, stood on top of the metal railings on the side and shouted at police to stop. They stopped. Then a group of officers and soldiers came to the medical team and ordered us to evacuate. We took the wounded on stretchers and went down the Square towards the lane on the southeast side. As we went down the side of the Square, we saw soldiers with large plastic bags, north of the Monument. They were putting people in the bags. I could not tell how many people. ... There were also people surrounded by soldiers, being kicked by them. I could hear shouts and the odd gun shot. I thought there were around 200 young people. They were pushed to the north side of the Square, towards the Forbidden City. ... In early July, I heard from Public Security (police) sources that they had all been executed on 9 June in a rural district near Beijing. They included students and residents of Beijing."

Events in Chengdu on 4 and 5 June 1989

12. Killings of civilians are also reported to have occurred on 4 and 5 June 1989 in Chengdu, the capital of Sichuan province, where violent confrontations between security forces and protesters took place after news of the Beijing massacre spread. In Chengdu, as in many other cities, students had organized peaceful demonstrations and sit-ins in the centre of the city in May and early June. According to reports, on 4 June, as news of events in Beijing was received, crowds of people converged on the Sichuan Government Offices in central Chengdu and attacked the building with stones. Security forces then attacked the crowds with tear gas and truncheons, reportedly also

using knives and bayonets. Gunfire was also heard intermittently during the violent confrontations which continued for two days, resulting in widespread damage to buildings in the centre of the city and many casualties.

13. According to official sources, eight civilians - including two students - were killed on 4 June during the clashes and 1,800 people were injured, including 700 civilians and 1,100 members of the security forces. Unofficial estimates of the number of civilian casualties are much higher, ranging from about 30 to over 300 for the number of those killed, with many more injured. One source reported that 27 people had died in one of Chengdu's four major hospitals as a result of the 4 June clashes. The total number of casualties recorded in hospitals is not known. Further violent confrontations occurred during the night of 5 and 6 June in various parts of central Chengdu.

14. While Amnesty International has been unable to ascertain the total number of people killed in Chengdu on 4 and 5 June 1989, it has received detailed testimonies indicating that the security forces used extreme brutality against unarmed protesters and bystanders. One foreigner who was in Chengdu at the time has described as follows the action of the security forces:

> "Most of the action consisted of isolating groups of demonstrators and stabbing them and beating them to the ground. There is no question about the fact that none of the demonstrators were armed. The work of the security forces, on the other hand, was brutal in the extreme. Even after they had beaten demonstrators down, they would continue hitting them with truncheons and knives until they were motionless. There was a pattern to it: with males, the preferred area of attack was the head, with females it was the abdomen. Numerous individual acts of brutality occurred ... The police and army violence was random. Even people who lay on the ground and pleaded for mercy were clubbed. There was no age discrimination."

15. An Italian businessman, interviewed in Hong Kong on 7 June after returning from Chengdu, stated that he saw a girl, 15 to 16 years old, being bayonetted in the stomach by a soldier in the morning of 4 June in central Chengdu. He said the girl was about 18 metres away from him at the time; the soldier then bayonetted her twice more in the chest and left the body in the street (Reuter, Hong Kong, 7 June 1989).

16. Several foreigners also saw a group of protesters being systematically beaten unconscious by soldiers in the grounds of the Jin Jiang Hotel during the night of 5 to 6 June. The attack reportedly left between 30 and 50 people critically wounded - some possibly dead. They were later thrown into trucks and taken away by soldiers. One of the foreigners who witnessed the incident has described it to Amnesty International as follows:

> "The following was witnessed from an eighth floor room overlooking the front of the hotel and the main street between about 0145 hours and 0600 hours on Tuesday 6 June. A line of soldiers was drawn up outside the gate. Two army trucks were parked in the hotel grounds to the right of the gate. Captured protestors were being held in a small guard house to the left of the gate. The grounds of the hotel appeared to be empty of protesters. The street outside was largely empty, there were small

groups of people standing round, doing nothing. One by one protestors were dragged out of the guard house. Soldiers formed a ring around them linking arms. Several soldiers in the centre of the ring then beat the protesters, using clubs. After the beating, the protesters were carried/dragged back inside. It was not possible to ascertain whether protesters were alive or dead. This continued for some time. Then groups of soldiers went out of the hotel gates. They charged the very small groups of protesters standing in the middle of the road, seized several, dragged them back into the hotel grounds and beat them. The rest of the protesters disappeared.

"The soldiers then concealed themselves in the bushes. People were still drifting down the road from the direction of the People's Square. On several occasions, people wandered up to the gates. Soldiers leapt from hiding, seized them, beat them and carried them into the guard house. This continued until about 0400 hours. At about 0400 hours, all the people held in the guard house were dragged out - none was able to walk and most appeared unconscious. They were thrown into the backs of the two army trucks. Soldiers then mounted the trucks and formed a wall with the protesters in the middle. The trucks then left. This left only the private hotel security guards, all armed with clubs, patrolling the grounds. I do not know how many people were arrested and beaten as I was not watching continuously and I was also in despair."

Human rights violations since June 1989

17. The Chinese authorities have not disclosed the total number of people detained, tried or executed throughout the country since the June crackdown on pro-democracy protesters. At least 6,000 arrests have been officially reported throughout China; but the real number of those detained is believed to run into tens of thousands. Between 8,000 and 10,000 people are said to have been detained in Beijing alone - the majority in June and July - although some sources suggest that around 4,000 were released after various periods in detention for interrogation. Arbitrary arrests, however, have continued. Since September, Amnesty International has received numerous reports about students, academics and others arrested in various places in China for their alleged activities in connection with the pro-democracy protests. Few such arrests, however, have been confirmed by official sources.

18. The arbitrary detention or imprisonment of people involved in peaceful political or religious activities is facilitated by a number of provisions in Chinese law and by practices which, while contrary to the letter of the law, have become the norm in the People's Republic of China. It is common, for instance, for people to be detained by police for weeks or months without charge, in breach of the procedures for arrest and detention laid down in China's Crimincal Procedure Law. A 1957 law, which was updated with new regulations in November 1979, also permits long-term detention without charge or trial: it provides for the detention of people considered to have "anti-socialist views" or to be "hooligans" in camps or prisons for up to four years for "re-education through labour". Detention orders for those subject to "re-education through labour" are issued outside the judicial process by Public Security (police) officers. China's Criminal Law (1980) also includes provisions which are used to imprison people for the peaceful exercise of

their basic human rights. Articles 98 and 102, in particular, provide punishments ranging from deprivation of political rights to life imprisonment for people charged with organizing or taking part in a "counter-revolutionary" group or with carrying out "counter-revolutionary propaganda and agitation". These two articles, as well as others, have often been used in the past to imprison people whom Amnesty International considers to be prisoners of conscience.

19. Those detained are believed to be held incommunicado. Chinese law does not permit access to lawyers until a few days before trial - or in some cases until the trial starts. It is also common for prisoners to be denied visits from their family until the trial. Some detainees are reported to have been severely beaten by soldiers or police after arrest, and many are feared to have been tortured or ill-treated to force them to confess to crimes or to denounce others.

20. Amnesty International has long been concerned about the occurrence of torture in China. In 1987 it published a report entitled "China: Torture and Ill-treatment of Prisoners", which documented the widespread use of torture in China and pointed out that the absence of sufficient safeguards for detainees' rights in Chinese law contributed to a pattern of abuse. It recommended the introduction of several safeguards, in particular that limits be placed on incommunicado detention, but none of these safeguards have yet been introduced in China.

21. Some of those arrested since June 1989 were sentenced to death or imprisonment after unfair trials. In June 1989, the Supreme People's Court called on local courts to "try quickly and punish severely" those involved in the "counter-revolutionary rebellion", using 1983 legislation that provides for swift and summary procedures with little opportunity for defence in the trials of "criminals who gravely endanger public security". This legislation allows the courts to bring defendants to trial without giving them a copy of the indictment in advance and without giving advance notice of the trial or issue summons in advance to all parties involved - including defence lawyers. Furthermore, trials are often a mere formality as the verdicts are usually decided in advance. The well-known practice of "verdict first, trial second" has been acknowledged by top Chinese legal officials in late 1988. This practice, as well as the use of torture to induce confessions and the extreme limitations on the role of defence lawyers, have been criticized by members of the Chinese legal profession in numerous articles published in the official legal press since 1987.

22. The following are a few examples of people officially reported to have been tried and sentenced in connection with the protests.

(a) Xiao Bin, a worker from Dalian in northeast China, was the first person known to be sentenced in connection with the protests for exercising his right to freedom of speech. He was arrested on 11 June 1989 after being shown on Chinese television speaking to an American ABC Television crew in Beijing earlier that month: on 13 July 1989 it was announced that he had been found guilty under Article 102 of the Criminal Law of "spreading rumours" and of "vilifying the righteous act of the martial law troops". He was sentenced to 10 years' imprisonment for "counter-recolutionary propaganda and incitement".

(b) In late August 1989 the first student officially reported to have been tried in connection with the demonstrations was sentenced to nine years imprisonment on the same charge. Zhang Weiping, an art student in Hangzhou was accused of telling Voice of America radio in June that students in Hangzhou had successfully asked provincial government officials to fly the flag at half mast to mourn those killed in Beijing.

(c) In a recent case, Chen Zhixiang, a 26-year-old teacher in Guangzh (Canton), was sentenced to 10 years imprisonment on 11 January 1990 for displaying a poster attacking Chinese leaders three days after troops crush the pro-democracy protests in Beijing on 4 June 1989.

23. Secret trials of students active in the protest movement were reported have started in Beijing in November 1989. Four students from the Foreign Affairs college in Beijing were reported to have gone on trial that month f "counter-revolutionary" crimes, but their names and details of their cases were not known. The trials were reportedly held in secret and even the families of the accused were not allowed to attend. Trials of "counter-revolutionaries" are said to have continued, but only a few were officially reported. The fate, whereabouts and conditions of many itellectuals, students and workers involved in the protests remain unknown though they have now been imprisoned for several months. Leaders of the movement are known to be detained in Qincheng prison, north of Beijing, wh has traditionally been used to hold prominent political prisoners.

24. Some of those arrested in connection with the protests were charged w ordinary criminal offences, such as blocking traffic, damaging vehicles, attacking soldiers or police, arson or looting - and faced summary trial a possible execution under the 1983 legislation. On 21 June three workers w shot in Shanghai after a "public sentencing rally" for allegedly setting f to a train after it had ploughed through demonstrators blocking the track killed at least six people. The next day seven "rioters" were executed in Beijing after being convicted of wounding troops and burning military vehi in the capital on 4 June. Despite international appeals for clemency, all their death sentences upheld by the courts.

25. Though only a few dozen executions have been publicly reported, some sources estimate that in Beijing alone several hundred people were execute secretly between June and August 1989. Various sources have reported that least two execution grounds were used: one located in the north-west of Beijing, where groups of prisoners were reported to have been shot before in June and July. One source said at least eight groups of up to 20 peopl had been shot near the bridge by mid-July 1989.

The situation in Tibet

26. In Tibet, martial law was imposed in the capital, Lhasa, on 7 March 1 following two days of violent confrontations after police attempted to sto peaceful demonstration by a small group of Tibetan monks and nuns calling Tibet's independence. Eye-witnesses described "ill-organized" police sava beating Tibetans and "firing indiscriminately". By 9 March the official d toll was 16, but unofficial Tibetan sources estimated that over 60 people died and more than 200 had been injured. Over 1,000 Tibetans were reporte

arrested, though the authorities acknowledged no more than a few hundred arrests, and there were reports of secret summary executions. Further arrests occurred in the following months.

27. Evidence of persistent human rights violations in Tibet since pro-independence demonstrations started in September 1987 includes reports of numerous arbitrary arrests, long-term detention without charge or trial and torture.

28. Amnesty International has received reports about the torture and ill-treatment of prisoners which include testimonies from political detainees who were released in late 1988 or early 1989 and others. They allege that many detainees were subjected to torture, including severe beatings, shocks with electric batons and prolonged suspension by the arms. Some detainees are said to have died as a result of torture. One detainee, Tseten Norgye, a married book-keeper who was arrested in Lhasa in April or May 1989 reportedly suffered a severe eye injury as a result of torture. He was reported to have been arrested after police found a mimeograph machine in his house which they alleged was used to print literature advocating Tibetan independence. He is held in Lhasa's Chakpori detention centre and is not known to have been charged.

29. To Amnesty International's knowledge, the first trial of Tibetans involved in pro-independence activities since September 1987 took place in Lhasa in January 1989. The official New China News Agency announced at the time that 27 Tibetans had been publicly tried for offences related to demonstrations in 1987 and 1988. One of these - Yulo Dawa Tsering, a senior monk from Ganden monastery detained in December 1987 - was sentenced to 10 years' imprisonment and three years' deprivation of political rights on charges of "collaborating with foreign reactionary elements".

30. In August 1989 the People's Daily announced that 10 Tibetans accused of offences related to the March 1988 protests in Lhasa had been sentenced. Others were tried and sentenced during the following months. One, named as Passang, was sentenced to life imprisonment for taking part in the protests.

31. Amnesty International has received other reports of arrests and trials of Tibetans in the past few months. At least 16 Tibetan nuns were reported to have been arrested for demonstrating in September and October 1989. Six of the nuns were subsequently sent to labour camps without charge or trial, after receiving administrative sentences of three years' "re-education through labour". Detention orders for "re-education through labour" are issued outside the judicial process by Public Security (police) officers and those thus punished cannot question the grounds for their detention or appeal against it in a court of law. Several other Tibetans, including four monks and one young student, were assigned to terms of up to three years' "re-education through labour" between September and December 1989 for their alleged participation in demonstrations. Others, including 10 monks from Drepung monastery, were tried on "counter-revolutionary" charges for alleged pro-independence activities. Those arrested recently include five students from Lhasa No. 1 Middle School who were arrested on 8 December 1989 for allegedly setting up in March 1989 a "counter-revolutionary" group called the Gangchen (Mountain Range) Youth Association and putting up posters in various places in Lhasa. No punishment against them has yet been announced.

Other concerns

32. Many prisoners of conscience arrested in previous years remain in detention throughout China and new arrests unrelated to the June crackdown were carried out during the past year. Xu Wenli is one of dozen of supporters of the democracy movement of the late 1970s who remain in prison. He was arrested in 1981 and later sentenced to 15 years' imprisonment for "counter-revolutionary activities". Since 1986, he has been held in solitary confinement in harsh conditions in Beijing and is reportedly in poor health. Song Yude is one of several Protestant evangelists who also remain in prison. He was sentenced to eight years' imprisonment in 1986 on charges of "counter-revolutionary propaganda and incitement".

33. Various charge groups continued to be harassed and some of their members were arrested during the past year for carrying out religious activities without official approval. Three Catholic seminarians detained in Hebei province in January 1989 were reportedly stripped naked, beaten, forced to lie on cold concrete and burned with cigarettes while in police custody.

34. In April 1989, several hundred Catholic villagers were severely beaten by police during a police raid on the village of Youtong, Luancheng district, Hebei province. Two youths were reported to have died as a result and over 300 villagers, including old people and children, were reportedly injured, 88 seriously. Police took away 32 poeple. Arrests of members of other religious groups were also reported during 1989. They included 165 Protestant leaders detained in Henan province in early October 1989 after police raided an "underground convention" of 500 church leaders in the province. By mid-October, all but 35 of those arrested had been released after paying fines. It is not known whether the 35 are still detained.

35. At least seven Catholic priests and bishops not affiliated to the officially recognized Patriotic Catholic Association are also reported to hav been arrested between September and December 1989 in various places in North China. One of them is Joseph Li Side, Bishop of Tianjin Diocese, who is reported to have been arrested at his home during the night of 8 and 9 December 1989. According to information received, he was called to administer the last rites to a sick person in Hulu village, but as he opened the door of his house, he was met by a large contingent of Public Security personnel and arrested.

36. A large number of death sentences and executions of people charged with ordinary criminal offences unrelated to the pro-democracy protests were also reported during the second half of 1989. Many were executed for economic crimes such as corruption, fraud, smuggling or embezzlement. The number of executions recorded by Amnesty International in 1989 is the highest since 1983, when several thousand people are believed to have been executed after summary trials during the first few months of a campaign against crime launched in August that year. Amnesty International concerns about the use the death penalty in China are described in detail in two documents issued in 1989: "The Death Penalty in China" and "People's Republic of China: Th Death Penalty Debate".

Annex II

INFORMATION RECEIVED FROM THE INTERNATIONAL COMMISSION OF HEALTH PROFESSIONALS FOR HEALTH AND HUMAN RIGHTS, A NON-GOVERNMENTAL ORGANIZATION IN CONSULTATIVE STATUS (CATEGORY II) */

Human rights violations in China

1. This overview of human rights violations in Beijing and elsewhere in China during and after the events 3-4 June 1989 is based on information supplied by eyewitnesses, both Chinese and foreign. Reference will also be made to official Chinese and Western publications.

The assault on Tiananmen Square

2. The following cases are presented in order to illustrate the contention that the official version of the events of 3-4 June 1989 does not truly reflect what actually occurred. The Government of the People's Republic of China asserts that the use of force by the People's Liberation Army (PLA) was moderate, that the troops showed great restraint and that in the circumstances, it was an appropriate use of force.

3. An eyewitness reports that around 12.30 a.m., an armoured personnel carrier (APC) of the PLA charged at 40 miles per hour directly into a crowd of several thousand Chinese citizens who were grouped on top of an overpass directly east of the city (at Jianguomen). There was a double row of trucks laden with troops stationed across the overpass. The citizens were talking to the troops on the back of the trucks on the overpass, persuading them not to fire on the people. Some soldiers climbed out of the trucks and walked off into the crowd. The APC charged across the crowded overpass, smashing through its own trucks laden with troops, scattering them into the air and leaving behind a trail of injured and at least two dead people. The PLA was like a beast out of control, there was nothing moderate or measured about the way it behaved - it behaved with complete disregard for human life. The impact lifted the truck near the witness about 8 feet into the air. It crashed down, smashing a man's brains open right in front of him.

4. The Government of the People's Republic of China asserts that when Tiananmen Square was cleared in the early hours of 4 June, soldiers checked every single tent to make sure there was no one inside them before APCs and tanks were driven into the square.

5. According to a number of eyewitnesses, about 3,000 students sat in the square throughout the night, on and around the Monument to the People's Heroes, surrounded by thousands of heavily armed troops and dozens of armoured vehicles. At about 5 a.m., as the students were starting to leave in orderly fashion via the south-east corner, well before the 6 a.m. deadline agreed with

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*/ Photographs said to have been taken on 4 June 1989 in Beijing were attached to the information. For technical reasons they could not be reproduced but are available for consultation at the Secretariat.

the military authorities in the Square, an eyewitness saw a line of APCs and tanks driving down from the north straight through the tent encampment which covered an area of several square yards.

6. The APCs and tanks went straight over the tents. There were no troops in front of the APCs checking any of the tents. There was a dense column of troops following behind the APCs, but none in front. About five journalists had stayed to the end in the Square and a couple of them had looked into the tents earlier and found a small number of students asleep inside. There were not many, but there were some. The point is that the Chinese troops did not check whether there were people in the tents or not - the APCs just went straight over the tents.

7. The use of force in the assault on Tiananmen Square, and in particular during the PLA advance through the western suburbs, was inappropriate and unjustified. The democratic movement had been entirely peaceful until the troops opened fire at random and indiscriminately on young and old, men and women alike. Tanks were used against unarmed civilians. A conservative estimate, incontrovertible in the eyes of various human rights organizations, places the total deaths between 500 and 1,000, with many more injured.

Violations of medical rights

8. The People's Liberation Army committed gross violations of internationally-recognized norms relating to the activity of medical personnel and treatment of the injured. Ambulances and medical staff were explicitly forbidden by the troops to reach out to the wounded and the dying. An eyewitness was present at the medical tent manned by the Beijing United Medical College staff on the northern part of the Square after it had been sealed off by the troops. A continuous stream of gravely injured people was being brought to the tent. The doctors told the eyewitness that nothing coul be done to save the injured as ambulances, plasma and medical supplies were not being allowed in. After daybreak on 4 June, troops searched hospitals looking for wounded students and civilians. They ordered doctors to stop treating injured students and workers. They took away some of the injured t unknown destinations. Reports state that a number of doctors were shot dead when they tried to resist this gross infringement of medical rights. This violated all of the most fundamental tenets of humanitarian law.

Improper implementation of martial law

9. The rules of martial law were never properly announced. People were s and killed simply for being found outside after dark and in certain places where the government troops thought they should not be. The people were ne told which places were off limits and no curfew was ever imposed. No milit check-points were established. There were no signs posted, nor were there check-points to warn citizens that they should not go beyond a certain poi There were simply lines of heavily armed troops and when someone went too close, usually out of curiosity, they were simply gunned down. This appli particularly to Chang'an Boulevard between the Beijing Hotel and Tiananmen Square, where dozens were mowed down in the daylight hours of 4 June and thereafter.

Continuing arrests and executions

10. Since 4 June, Chinese authorities have publicized at least 40 executions and 6,000 arrests for offences relating to the democracy movement. Many unpublicized executions are said to have occurred. Arrests are unofficially estimated to range between 10,000 and 30,000 nationwide. Following adverse international reaction, as of late July, the authorities stopped publicizing executions and arrests in the national media, but local media and radio have continued to report executions in the provinces of Shandong and Sichuan; at least seven executions were reported in the past weeks. In most cases, capital punishment has been imposed on people for offences against property such as "obstructing and burning vehicles". Those executed were convicted after summary trials, with inadequate safeguards and completely meaningless appeal procedures. The majority of those arrested have been held incommunicado. Their families have not been allowed to visit them, and in most cases they are not even being told where their relatives are being held. Arrests continue, and reports of torture have appeared in the western media.

11. Although no first-hand accounts of torture in detention since 4 June are available, hundreds of such accounts were published in official Chinese publications from 1985 to early 1989. They provide irrefutable evidence of a clear, consistent and widespread pattern of physical abuse and torture by the Chinese authorities and police. Recent accounts of political repression and detention in the People's Republic of China over the last 40 years typically describe a combination of physical and psychological abuse and torture designed to extort "confessions" from prisoners in order to justify their arrest. Specifically, the physical abuses most widely reported involve severe beatings with steel rods and similar implements, prolonged use of handcuffs that results in permanent damage to the limbs, tying detainees into contorted positions and even hanging them in the air, and most notably, the use of electric batons and cattle prods.

12. The majority of those arrested, brought to trial and heavily sentenced are reported to be workers or unemployed. They are being kept in overcrowded temporary military camps, where conditions are harshest and legal supervision non-existent. It is the workers and not just the students and intellectuals who have borne the brunt of the repression. They are detained in military camps and not in police custody, to avoid public knowledge of and sympathy for their plight.

Lack of due process

13. The Chinese legal system explicitly rejects the principle that the accused should be presumed innocent until found guilty, in contravention of the Universal Declaration of Human Rights. It applies the principle of "lenience to those who confess, severity to anyone who resists".

14. The principle of the independence of the judiciary is not recognized in China. The Communist Party committees in the courts and throughout the whole judicial system are instructed to "review and approve" all criminal cases of any significance, and determine the final verdict and sentence in advance of the trial. This practice of "verdict first, trial second" is universally applied in China's judicial system.

15. In China, the accused is denied access to defence lawyers until one to three days at the earliest before the trial actually begins. The accused is usually detained for months or even a year or more before being brought to trial, during which time nobody can advise him of his rights or determine whether he is being maltreated, beaten, tortured, etc. while in prison.

16. The Chinese press revealed last year that in a number of areas in China, the Party issues explicit instructions that any defence lawyer who wants to plead "not guilty" on behalf of his client must first obtain the Party's permission to do so. Conscientious defence lawyers are pressured to argue for leniency, and there are cases of defence lawyers being jailed, or punished or maltreated for insisting on the innocence of their client. These reports clearly indicate blatant interference by the political authorities in the independence of the judiciary, and make nonsense of any claim to fair judicial process in China.

Eyewitness account of massacre in Beijing

17. Qiao Gangliang, a native of Beijing, was a Ph.D. candidate at Purdue University this past summer when he returned to Beijing to visit his family during the months of May and June 1989. He witnessed the aftermath of the bloodbath of Beijing and took photographs and smuggled them out with him when he returned to the United States on 9 June 1989. */

18. Qiao visited Tiananmen Square every day during the peaceful student demonstration, taking notes and pictures. He noted that the students and citizens were voicing their grievances about the widespread corruption and nepotism within the Chinese Communist Party leadership, high inflation rate during the past several years, and the government control of the media. The demonstrations by the students and workers were peaceful and non-violent.

19. On the night of 3 June, around 10.30 p.m., Qiao was at home and heard gunshots which at first he thought were a barrage of firecrackers. Qiao lives two miles west of Tiananmen Square, and about 300 metres north of Chang'an Boulevard, which leads into the Square. At 2 a.m. early Sunday morning of 4 June, Qiao got out of his residential compound and talked to several groups of people congregated outside who were relating to him what they saw on the streets near Chang'an Boulevard: that soldiers were firing on innocent civilians on Chang'an Boulevard and in the alleys leading into Chang'an Boulevard. He continued to hear gunshots loud and clear on the street. At 2.30 a.m. Qiao went to the Beijing Children's Hospital three blocks away from his house and saw some wounded people taken to the hospital on bicycles and tricycles and there were no ambulances in sight. He visited several wards and saw some wounded in bed in bandages and some lying on the floor (See photo #1). At about 4 a.m. doctors at the hospital told him that they had already seen more than 100 wounded and about 10 per cent of the wounded had died. Qiao recounted that the doctors were actually crying while they were treating the patients, and that they could not believe how brutal the army had been.

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*/ Qiao Gangliang is now a first-year law student at Georgetown University.

20. The doctors told Qiao to take as many pictures as possible for evidence as the hospital administrators were under orders not to allow foreign journalists' coverage of the hospital. One doctor went upstairs and brought back a bullet to show Qiao that had been taken out of a wounded student.

21. At 6 a.m., Qiao left the hospital for Chang'an Boulevard. As he was taking a picture of a burning vehicle, an old man grabbed his hand, and said hurriedly, full of emotion, that he had been looking for people with cameras. The old man told him, "Don't take a picture of that, young man. Let me take you to where a three-year old kid was killed while he was standing with his mother behind a cigarette vendor" (See photos #2 and 3). The soldiers were opening fire into the crowd, indiscriminately killing innocent bystanders, men and woman, young and old.

22. Right across from the spot where the child was killed was Fuxing Hospital. At 6.30 p.m. Qiao went to the hospital to check for casualties. He observed that the road leading to the hospital was stained with blood everywhere. People were filing into the hospital. On the left of the hospital was a bicycle parking lot. He climbed on top of a bicycle and looked over the gate and saw about a dozen dead bodies on the ground covered with white sheets. Several people were there trying to locate the dead bodies of friends or relatives (See photo #11). Inside the hospital, in one of the rooms there were about a dozen more dead bodies on the floor (See photo #4 and 5).

23. At around 8.30 a.m., near the Chinese Military Museum, Qiao saw more tanks and armoured personnel carriers were moving into the Square. A truckload of soldiers were kept back by barricades set up by the citizens when they heard that more tanks and APCs were entering the Square. Some people captured a truck with a load of teargas and started throwing the teargas cans at the soldiers. The soldiers got out of the APCs and stood around their vehicles protecting the weapons on the vehicles. These were newly arrived soldiers from Shanxi Province. Crowds of people, innocent citizens gathered around these soldiers, telling them what had happened last night, and with tears in their eyes, pleading with them not to shoot at the people again (See photo #6).

24. There were many rumours, and Qiao decided to get as much accurate information as possible and to record them with his camera. At great risk of being found with his camera, Qiao walked for four miles, heading west, to an area called Wukesong. The rumours were true: Qiao saw with his own eyes bodies crushed by tanks into a paste, with parts of the remaining bodies barely recognizable. At about 10.00 a.m., he took a picture of these bodies crushed by tanks into paste (See photo #7).

25. On 6 June, around 8 p.m. Qiao went to see a friend of his who was being hospitalized for gunshot wounds. Qiao took a photo of his friend's jacket which was stained with blood (See photo #8). At the hospital, he saw a college student whose legs were run over by a tank. He wanted to take a picture of him, but was warned by the doctor that there were secret security police around and he had better not.

26. On the morning of 7 June, when Qiao was getting ready to leave Beijing a young man was shot outside of his residential compound at Bus Stop #13 at Beijing Children's Hospital. The young man was shot several times in the head and legs; exploding dum-dum bullets were used. Qiao said, "One has to see the pictures to believe the extent of cruelty and brutality. The dead young man was the memory with which I left my hometown. The memory will never go away. I shall not allow it to fade from my mind either ... I want to express my deep mourning over those killed in cold blood. Keeping the issue alive is the least I can do for the dead and my fellow countrymen who are still being subjected to the reign of terror."

Annex III

INFORMATION RECEIVED FROM THE INTERNATIONAL LEAGUE FOR HUMAN RIGHTS, A NON-GOVERNMENTAL ORGANIZATION IN CONSULTATIVE STATUS (CATEGORY II)

Human rights violations in China

I. Background and scope

1. In August 1989, the International League for Human Rights (ILHR), along with the Ad hoc Study Group on Human Rights in China, issued report, Massacre in Beijing, documenting and analysing China's military crack-down in June 1989 to suppress the pro-democracy movement and the subsequent repression in China. That report was circulated publicly at the forty-first session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which subsequently adopted resolution 1989/5 calling for information on the events in China to be transmitted to the Commission on Human Rights.

2. In this document, the ILHR summarizes the information that it has since transmitted to the Secretary-General. The full text and supporting documentation submitted are available from the Centre for Human Rights in Geneva.

II. The military crack-down in June

3. On 3 June 1989, the Chinese authorities ordered the army to clear pro-democracy demonstrators and supporters from the streets of Beijing, in particular from Tiananmen Square in the city's centre. During the operation, soldiers used lethal force unnecessarily and indiscriminately, resulting in the deaths of hundreds of innocent, unarmed citizens. The military crack-down was motivated by the Government's desire to crush the pro-democracy movement which had been flourishing since April throughout the country, most prominently in Beijing. University students played a leading role in the movement both at the outset and throughout, but by the beginning of June they had been joined by workers, intellectuals and other groups, showing broad support from other sectors of Chinese society.

1. The demands of the pro-democracy movement were legitimate requests for political and social changes

4. The movement's demands were advanced in newspapers, other publications, and public meetings. The demands won very broad support, resulting in massive, overwhelmingly peaceful public demonstrations in Beijing involving millions in Beijing and elsewhere. The students called for: re-evaluation of the achievements and errors of Hu Yaobang; repudiation of the previous campaigns against "spiritual pollution" and "bourgeois liberalization"; greater press freedom; the lifting of restrictions on the holding of demonstrations; public disclosure of the finances of senior officials; a crack-down on corruption in Government; greater expenditure on education; and higher salaries for intellectuals.

5. In late April, students began to demonstrate in Tiananmen Square in support of their demands. Other groups joined later. Despite the

Government's denunciation of the students' demands and behaviour as creating "turmoil" and its refusal to enter into serious dialogue, the students remained in the Square.

6. On 19 May 1989, the Government declared martial law in parts of Beijing. Afterwards, local residents continued rallies in support of the students, as well as against martial law. Military attempts to enter the city were frustrated several times by largely peaceful resistance by workers and students, who were aided by the unwillingness of many troops to use force. Large crowds gathered on major roads and, by talking with soldiers and erecting barricades and "human walls", peacefully deterred the advance of troops into the city. On 28 May 1989 some 100,000 students remained in Tiananmen Square. Within a few days momentum was lost; by 2 June 1989 only a small fraction of that number were left in the Square. At this time - not earlier - the Government decided to launch its major military operation to clear the Square. An initial foray was made early on 3 June, when unarmed soldiers proceeding on foot were stopped peacefully by local residents and army vehicles were blocked by crowds. Then, however, the Government sent the army in again, this time with orders to use lethal force.

2. Troops used lethal weapons unrestrainedly against unarmed civilians

7. On the night of 3 June, hundreds of tanks, armoured personnel vehicles and troops converged on central Beijing and Tiananmen Square from all directions. By the time the operation was completed, hundreds, perhaps thousands, were dead; many thousands were injured. Army troops employed unrestrained force in their use of lethal weapons against unarmed civilians. They did not attempt to restore order using non-lethal methods of crowd control. The troops made no attempt to arrest or detain people as they pressed to clear the streets and the Square.

8. Accounts of the progress of troops towards the city's centre tell of numerous encounters between troops moving towards Tiananmen Square from the outskirts of the city and civilians seeking to bar their progress, in most cases by erecting makeshift barricades. The civilians also attempted to persuade troops not to advance by explaining to them the students' cause. The numerous reports of these encounters (detailed in the Report) show a common pattern: the troops were faced with human barricades and sometimes also vehicles used by the crowd as barricades; the troops fired on the people both indiscriminately and deliberately; armoured vehicles and tanks drove blindly into crowds, crushing, killing and injuring members of the crowd; sometimes the crowds responded to the army's excesses by attacking and burning armoured vehicles. Army personnel fired shots not just to disperse the crowd but also to kill people escaping, retreating, or begging for restraint. People in buildings were also shot at.

9. According to available eyewitness accounts, most of the killing took place as the troops proceeded towards Tiananmen Square. In the Square itself first-hand accounts suggest that there was deliberate and indiscriminate killing on the outskirts of the Square and in the north of the Square, but there are conflicting accounts as to whether there was widespread killing in the main part of the Square itself.

3. Large numbers of civilians were killed

10. Estimates of the total number who were killed in the military crack-down have varied widely. Official Chinese Government figures have been considerably smaller than estimates by reputable independent sources. Official Government figures claimed that no more than 300 people, including soldiers and civilians, were killed. Other evidence puts the number killed in the thousands and the number injured over 10,000. Some independent sources claim that the number of dead and injured is much higher. After the massacre the Chinese Government took steps to frustrate any attempts by independent sources to ascertain the numbers of people killed and injured. The authorities instructed hospitals and crematoria not to issue any figures and strictly forbade journalists to visit hospitals. It was also reported by a number of sources that soldiers took over the four crematoria in Beijing. The Government has also failed to ensure that an investigation into the killings by an independent, publicly accountable body be carried out.

4. The massacre was a gross violation of the right to life and security of the person

11. The military action by the Chinese Government was a clear violation of the right to life of its citizens. The operation's primary purpose was to prevent citizens from peacefully continuing to exercise their universally guaranteed human rights. It involved use of deadly force that was unnecessary as well as wanton. The killings were not justified by an emergency threatening the life of the nation, as required under international law. The use of lethal force against unarmed civilians contravened international standards, as defined in the Code of Conduct for Law Enforcement Officials (art. 3 and official commentary), in that it was not used in pursuance of a legitimate objective, as well as being excessive, disproportionate to the situation, and not strictly necessary.

12. The Chinese Government has claimed that the army's action was a heroic effort to save the nation from the "turmoil" created by the student movement. The alleged "turmoil", however, was largely illusory, consisting mainly of a challenge to the legitimacy and practices of the current leaders. The Government has also sought to portray soldiers who were harmed by civilians as the heroic victims of unprovoked and vicious violence by ruffians and hooligans. It is clear that there were indeed some clashes between soldiers and citizens in which citizens hurled rocks, stones and fire-bombs at soldiers. However, in almost all such cases, it was the actions of the soldiers which amounted to provocation - in a general sense by invading the city in their armoured vehicles and tanks, and in many individual cases by attacking demonstrators or others with tear-gas, sticks or electric cattle prods, firing on them deliberately or indiscriminately, and running over them with tanks and APCs. To provoke a reaction by unjustifiable suppression of people's rights and then to rely on that reaction as the basis for further violent suppression is a wholly inadequate attempt to find justification under international law for the violations by the Chinese Government.

III. The continuing campaign of repression since June 1989

13. Since June the Chinese Government has engaged in a vigorous campaign of repression to punish, silence, or purge persons active in the pro-democracy movement or sympathetic to it. This campaign continues largely unabated. The campaign has involved the systematic terrorizing of much of Beijing's population, the arbitrary arrest, incommunicado detention and ill-treatment of tens of thousands, the summary or arbitrary execution of dozens of persons for crimes against public security, the systematic purging of people considered sympathetic to the pro-democracy movement, the dissolution of organizations supportive of the movement's demands, and widespread censorship, coupled with an intense propaganda campaign that attempts to justify Government actions and vilify the pro-democracy movement.

14. In the period since the massacre the Chinese authorities have engaged in the following human rights violations:

(a) The arbitrary arrest and detention of thousands of students, intellectuals, workers and others in the pro-democracy movement (some of whom have been subjected to torture, physical abuse or other degrading treatment).

(b) The trial and sentencing of individuals according to expedited or summary procedures, followed by the execution within days of individuals for capital crimes that are deemed "counter-revolutionary" or against "public security", in blatant violation of international human rights standards.

(c) The disbanding of many existing associations which are peaceful in their objectives and actions but which the Government has declared illegal.

(d) Severe censorship of news media and prevention of PRC citizens from having access to information from outside or independent sources.

IV. Arbitrary arrests and detentions

1. Many thousands have been arrested and detained

15. Since 3-4 June 1989 tens of thousands have been arrested and detained by the authorities. Many thousands of these appear still to be in detention, often held incommunicado and without criminal charges brought against them. Those arrested include students and workers involved in organizing autonomous unions, journalists, intellectuals and others who expressed views sympathetic to the student movement, and persons accused of using violence against police or soldiers in attempts to resist or protest the crack-down.

16. Arrests began shortly after 4 June. Official Chinese media initially gave extensive coverage to the campaign, featuring detailed reports of arrests. Since late June, official media coverage has been markedly reduced, apparently because intensive coverage aroused domestic and international opposition. The number of arrests has mounted steadily. On 11 June 1989, the Chinese Government reported that more than 400 people had been arrested for their role in the "turmoil", most of these apparently in Beijing. In December 1989, confirming earlier reports, the official Beijing Youth News,

citing figures from the city's Reform-through-Labour Work Administration Bureau, disclosed that 2,578 persons described as "ruffians" were arrested in Beijing in the 24 days following 4 June. Only 190 of these had been released by December 1989.

17. On 17 July 1989, Ming Pao reported that, after 4 June, all persons in Beijing with previous criminal records - 30,000 in total - were detained and interrogated, and those among them who failed to account adequately for their activities during the pro-democracy movement were all formally arrested. Official Chinese sources reported over 4,000 arrests nationwide by 10 September, a figure which Amnesty International also cited in mid-August. Western diplomats reportedly cite 6,000 arrests in Beijing alone and estimate 10,000-30,000 arrests nationwide. In mid-September, security personnel started checking the identity papers of Beijing's 10 million citizens, making door-to-door searches, commonly at night. Reportedly, an additional 212 persons suspected of resisting the army on 3-4 June were arrested by 19 September as a result.

18. The Government has published new "most-wanted" lists, and instructed courts and procurators to deal harshly with arrested leaders of the pro-democracy demonstrations. On 10 October, the mayor of Beijing called for no relaxation in tracking down "counter-revolutionary forces". The campaign of arrests took place outside Beijing as well. In late July the Xinhua Daily of Jiangsu Province stated that more than 3,000 people had been arrested in the province between 13 and 15 July 1989 alone.

19. Official figures almost certainly give an inaccurate picture of the total number of persons arrested. The shift in policy in late June from giving maximum publicity to arrests to affording them relatively limited coverage, as well as allegations of secret arrests, suggests many more people were arrested than official sources have acknowledged. The full extent of the detentions is difficult to estimate, even taking into account unofficial reports.

20. The ILHR has compiled the names and known information about several hundred persons detained in connection with the pro-democracy movement. Lists of persons detained for the peaceful exercise of their human rights were appended to the material submitted to the Secretary-General.

2. Most arrested persons were detained for non-violent reasons

21. The vast majority of those arrested appear to have been detained for non-violent actions, such as "spreading rumours", "shouting reactionary slogans" or "distributing counter-revolutionary handbills". Some of those arrested have been charged with acts of violence against troops, security forces and Government property. In many cases the alleged acts took place in response to violent measures taken by troops and other security forces to suppress public demonstrations. It also appears that the official media, when reporting on arrests, have focused on cases in which violence is alleged or in which some of those arrested are alleged to have previous convictions.

3. The legal basis for the arrests include punishment for peaceful exercising of human rights

22. In many cases the exact criminal charges (if any) against detainees have not been published. However, according to the Hong Kong Standard (11 July 1989), the Chinese Government issued a circular on 9 July listing five categories under which individuals may be charged:

(a) "propagating and actively supporting the spread of bourgeois liberalization";

(b) "supporting, organizing and participating in the counter-revolutionary rebellion";

(c) leading illegal organizations formed during the April and May 1989 protests;

(d) working with "enemy organizations outside the country"; and

(e) committing violent crimes during the demonstrations such as "smashing, burning and killing".

23. These categories are based on the provisions of the Criminal Law defining "crimes of counter-revolution" and "crimes endangering public security", crimes for which the death penalty may be - and has been - imposed. Although for most of the arrests there has been no official indication of formal charges, many of the individuals detained appear to have been arrested in connection with one or more of these five types of offence.

4. The arbitrary arrests and detentions are violations of rights

24. The Chinese Government's extensive campaign of arrests and subsequent detention of many involved in the pro-democracy movement constitutes a serious violation of human rights norms. In many cases there was no adequate justification for the arrests - individuals were being (and continue to be) harassed and punished for the exercise of protected rights within the limits laid down by international law, a clear violation of international standards, even if Chinese law permits such arrests.

V. Torture and treatment of detainees

25. The rights of many of those who have been arrested have been violated during detention, transgressing established international standards of the Universal Declaration of Human Rights, the Convention Against Torture (to which China is a party), and other international codes such as the United Nations Code of Conduct for Law Enforcement Officers, the United Nations Standard Minimum Rules for the Treatment of Prisoners and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

1. Chinese authorities engage in torture by physical maltreatment of detainees

26. Many detainees have been physically maltreated by law enforcement officials, subjected to torture and other forms of cruel, inhuman and degrading treatment or punishment while in detention. The purpose of the maltreatment, in many cases, appears to be to extract "confessions" of various "crimes" committed by the detainees. These confessions are then used as evidence in subsequent criminal proceedings.

27. For example, Chinese television has shown pictures of detainees with clearly visible bruises and cuts, which raises serious concern that torture of detainees is a widespread practice. There have also been many reports in the international media of individuals who were seriously maltreated while detained. According to Reuters (24 July 1989), in many cases prisoners were being kept in extremely cramped conditions - 40 to 60 persons in small, hot cells with so little room that the prisoners could not lie down. The report also recounted evidence from two sources that interrogations were sometimes preceded by beatings, giving the examples of a student who was hit with an electric cattle prod and a writer who was bashed with rifle butts.

28. Official television footage has also shown detainees shackled to trees, made to bow "airplane style" (kneeling with head down and arms stretched backwards), paraded in a humiliating way, and handled in an excessively rough and degrading manner by security personnel.

2. Chinese authorities keep pro-democracy detainees incommunicado for long periods, a practice that contributes to torture

29. Pro-democracy activists who have been arrested have also been held in incommunicado detention, a common practice in China sanctioned by the provisions of Chinese law. Under the Chinese Criminal Procedure Law persons may be held for up to 10 days before being formally arrested and charged. A detainee has no right to see his or her family or to be brought before a judge promptly after arrest. While article 43 of the Criminal Procedure Law requires that the family or unit of a detainee must be informed within 24 hours after detention has begun, this requirement does not apply in cases "in which such notification will hinder the investigation". In the past, according to Amnesty International, families have frequently not been informed of the detention of a relative or the place of detention for weeks or months after the fact.

30. Chinese authorities are not complying with the minimal requirements of the Criminal Procedure Law (10 day limit on detention without charge and the requirement to inform families). For example, student leader Wang Dan, arrested on 2 July, remains in incommunicado detention. Ming Pao reported (11 October) that he had been badly beaten and might lose sight in one eye. According to Associated Press, Beijing sources said Wang sent a postcard to a friend, hinting at daily interrogations. According to UPI (15 November), Wang Dan and 40 leaders of the democracy movement are presently held in Qincheng prison, to be tried on "counter-revolutionary" charges.

VI. Unfair trial procedures

1. Chinese trial procedures do not protect the rights of the accused in accordance with accepted international standards

31. The Chinese authorities moved quickly to sentence some of those alleged to have committed crimes during the "turmoil" of 1989. Initially, a number of the trials and subsequent executions were given massive publicity in China. Nearly all the defendants who were sentenced amid great publicity were alleged to have engaged in some act of violence against troops or law enforcement personnel, to have seized or damaged State property, or to have taken advantage of the "turmoil" to commit other crimes such as robbery. The authorities apparently sought to discredit the whole pro-democracy movement by suggesting that it was led largely by "thugs" and "hooligans" who committed offences of this sort.

32. There are two procedures under Chinese law through which the authorities may put pro-democracy activists on trial: (a) the normal procedure provided in the Criminal Procedure Law which applies to criminal trials generally, including the trial of those accused of counter-revolutionary crimes; (b) the expedited procedure, adopted in 1983, which provides for a speeded-up trial of persons accused of crimes involving "serious endangerment to public security". Accused persons can face a death sentence under either of these.

33. Neither procedure conforms to accepted international standards that protect the rights of accused persons which are set out in the Universal Declaration of Human Rights and elaborated in the International Covenant on Civil and Political Rights. In particular, both procedures fail to require or ensure that: a person who is detained is "promptly" informed of the charges against him and can take "proceedings before a court" to decide "without delay" the lawfulness of his detention; a detainee has access to legal advice at an early stage; trials are held in public (many trials resulting in death sentences have been held in camera); and, the pre-conditions under international law for the imposition of capital punishment are observed.

34. Under neither the normal or expedited procedure for criminal trials must the authorities grant a detainee prompt access to legal assistance after detention. The defendant is required to be informed of his right to appoint a lawyer only when the bill of prosecution (which describes the charges) is given to him. In normal circumstances, this bill must be handed to the defendant no later than seven days before the trial begins (Criminal Procedure Law, art. 110). This minimum period does not furnish sufficient time for a defendant to consult with a lawyer and to prepare an adequate defence to serious charges which may carry a death sentence, long-term imprisonment, and/or loss of civil rights. Under the expedited procedure adopted in 1983 even this minimal seven-day period between being officially charged and the trial need not be observed.

35. Under the normal procedure, a defendant has a right to one appeal. Article 131 of the Criminal Procedure Law provides that an appeal must be lodged within 10 days after the written judgement or order is received. Under the expedited procedure the defendant has only three days to file.

86. Article 144 of the Criminal Procedure Law originally provided that all capital sentences were to be reviewed by the Supreme People's Court, China's top judicial body, before they could be carried out. However, in cases that involve charges of seriously endangering public security, the approval of the Supreme People's Court is now no longer required to be obtained before a death sentence can be carried out. The net result of these provisions is that the review of a death sentence is incorporated into the appeal hearing. When the Government applies the expedited procedures, a defendant can be arrested, tried and executed within a matter of days.

2. Expedited capital sentences and executions take place

87. A number of capital sentences were handed down and executions carried out within weeks of 4 June. In many instances, although trials were not held in public, the sentences were pronounced and the accused paraded and publicly humiliated before thousands of people. Officials confirm 40 executions.

88. On 21 June 1989 in Beijing, seven people were executed. All had been sentenced to death on 17 June 1989 by the Beijing Intermediate People's Court - less than two weeks after the alleged commission of the crimes for which they were convicted; presumably their appeals had already been turned down by 21 June. On 21 June 1989, in Shanghai, three men were executed for setting fire to a train which had plowed through a group of demonstrators blocking the track in protest against the Beijing massacre. The train killed six people and injured at least six others. The three defendants were tried under the special expedited procedure applicable to crimes endangering public security - arrest warrants were issued on 8 June and the three men were executed on 21 June. Jinan Daily reported that, on 20 June, 17 people were executed there after having been paraded through the streets. Their sentences - for actions roughly 2 weeks earlier - were announced before some 10,000 people; some 45 defendants were sentenced to death or to long prison terms in that proceeding.

89. The executions have continued. Six persons were reported to have been executed in Chengdu in early November for participating in local riots that followed the Tiananmen crack-down. On 8 December 1989 two persons were sentenced to death for killing a policeman during the military incursion into Beijing. While many people have been sentenced to death, a large number have not yet been executed. In more than 100 cases death sentences have been suspended for 2 years, a period intended to allow a convicted person to demonstrate, through exemplary behaviour, that he or she should not be executed.

3. Extra-legal executions and secret trials are alleged

90. There have also been reports that executions have been carried out secretly, without even a show of compliance with the requirements of Chinese criminal law. A United Press International report of 27 July 1989 quoted Chinese and Western sources as saying that the authorities were secretly executing scores of people for offences related to their involvement in the pro-democracy movement. Other sources have also reported that secret executions may have taken place in Beijing in early July.

41. It is suspected that many of those who have been arrested may have been sentenced in secret proceedings to imprisonment or "reform through labour". While there have been no public trials of students, Reuters reported on 11 December 1989 that six Beijing students from the prestigious diplomatic training institute, the College of Foreign Affairs, were tried in secret in November for their role in the pro-democracy movement. Four were reportedly convicted of counter-revolutionary crimes, the other two of theft. These secret trials were said to be closed even to family members. Such trials are a clear violation of international human rights norms.

VII. The right to freedom of association and freedom of assembly

42. Both before and after 4 June 1989 the Chinese authorities have sought to suppress the activities of organizations engaged in peaceful pro-democracy political activities. The repressive measures have consisted of informal denunciations and formal declarations of the "illegality" of these organizations, and the harassment, arrest and trial of members of these groups. Martial law decrees declared a number of Beijing organizations to be illegal and called on their leaders to turn themselves in and their members to disband in the aftermath of 4 June. By the end of June the authorities were reported to have declared illegal some 31 organizations in 11 provinces.

43. Groups formed in Beijing during the pro-democracy movement have been among the prime targets of the Government's crack-down. Before the massacre, Government officials denounced some of these organizations as illegal and harassed their leaders, but the main attack has come since 4 June. Two of the most prominent Government targets have been the Autonomous Federation of Beijing University Students ("Students' Federation") and the Beijing Workers' Autonomous Federation ("BWAF"). They have been declared illegal and many of their members have been arrested and harassed.

1. Student groups have been suppressed

44. The Students' Federation, established in mid-April, was one of the main groups involved in the pro-democracy movement. An umbrella organization for students from over 40 Beijing universities, it was founded as an alternative to the Government-sponsored official student organizations. It was prominent in putting forward the demands of the students and seeking dialogue with the Government. It also played a major role in the organization and co-ordination of peaceful student demonstrations in Tiananmen Square.

45. The Students' Federation was denounced as an "illegal" organization before 4 June and was one of the organizations formally declared illegal by the Government in Martial Law Decree No. 4, issued on 8 June 1989. Leaders and members of the Students' Federation have figured prominently on the Government's "wanted" lists; a number of them have already been arrested. Members of other student associations both in Beijing and elsewhere have also been arrested or placed on wanted lists.

46. There have been no official reports of student activists being tried and sentenced for their role in the pro-democracy movement. However, many students have been required to undertake reform through labour and have been sent away from Beijing. As noted, news services reported on secret trials of Beijing diplomatic academy students sentenced to 7-10 years.

47. Employment sanctions against pro-democracy students have been noted. The South China Morning Post (27 July 1989) reported that graduating students known to have participated in demonstrations were being denied the State-assigned jobs which they had been previously allocated. The Chinese Government also announced a substantial reduction in the numbers of students who are permitted to enter universities in fall 1989; at Beijing University, which was singled out for harsh measures, the first-year enrolment was reduced from 2,000 to 800 students.

48. Students have been required to undertake political re-education, involving studying the speeches of senior leaders regarding the June crack-down and other issues. Students in a number of institutions were required to prepare a series of essays in which they were required to: describe their whereabouts and actions between 15 April and 4 June, with names of witnesses who could confirm their account; report on their thoughts during that period; and detail their conceptions of "social democracy" and the appropriate means to achieve it in China.

2. Workers' organizations and other groups have been suppressed

49. Many workers' associations have also been subjected to Government repression. The Beijing Workers' Autonomous Federation ("BWAF") has been a prime target. The BWAF, formed in May 1989, was part of an attempt to establish autonomous workers' groups independent of the Government-sponsored All China Federation of Trade Unions. The BWAF claimed to represent workers in more than 40 industries in Beijing and supported many of the students' goals. The BWAF was declared illegal by Martial Law Decree No. 10 issued on 12 June 1989. Some of its leaders and members were subsequently arrested and detained; some are on "wanted" lists; some have been tried and executed. The Government's campaign of suppression has also extended to workers' organizations in other parts of the country. On 14 November 1989, the Governing Body of the International Labour Organisation (ILO) adopted a complaint (case 1500) alleging violation of trade union rights in China.

50. Other groups have also been victims of the Government's crack-down. In addition to the organizations mentioned above, martial law decrees have declared illegal the following organizations: the Beijing Residents' Autonomous Union, the Capital Intellectuals' Union, and the Capital Patriotic Society for the Preservation of the Constitution.

3. Chinese Government actions are violations of freedom of association

51. The organizations declared illegal and whose members have been arrested or harassed, were engaged in peaceful political activities, expressing their views of the need for political reforms and asserting the right of citizens to form organizations separate from Government-sponsored ones. The Government's campaign of repression against these organizations constitutes a grave violation of the rights of freedom of association and expression of its citizens. Limitations of these rights in the interests of national security, public safety and public order are only permissible under international law if they are necessary in a democratic society.

52. The Chinese Government's claims that its legitimate needs of public order and national security justify its continuing repression are patently unconvincing in view of the peaceful activities of those engaged in the pro-democracy movement. The only convincing explanation for the Government's actions - that it was not prepared to tolerate the expression of views and political demands opposed to those of the dominant political faction - is the very essence of the human rights violation, not a justification for it.

VIII. Freedom of expression, freedom of the press and access to information

53. Since the declaration of martial law, the Chinese Government has imposed official, highly effective restrictions on the news-gathering activities of Chinese and foreign journalists, has victimized journalists who have not observed the official line, and has severely restricted means of national and international communication. Rights violations are evidenced by Government decrees, by official treatment of Chinese and foreign journalists, and by the changes in the content of Chinese press reports after imposition of martial law.

54. In the weeks before martial law, the official Chinese media offered vivid and accurate coverage of the Beijing protests and of the demonstrators' goals. After imposing martial law, the Government moved quickly to restrict the new freedom of the press. Martial Law Decree No. 3 forbade Chinese journalists from using "news coverage to issue inciting or inflammatory propaganda".

55. Since 4 June, the media have rigidly repeated official justifications of the suppression of the pro-democracy movement, official estimates of arrests and killings, and Government claims that the movement's leaders were a small "counter-revolutionary" band. The authorities have ousted many editors and reporters who reported events openly and accurately. The official New China News Agency and the Government-run Central China Television were placed formally under military control.

56. Other Government actions have also curtailed other rights of expression. Martial Law Decree No. 1 provided: "It is strictly forbidden in any way to create and spread rumours, establish ties, make speeches [or] distribute leaflets ...". It also authorized public security forces, armed security forces and the army to "adopt any means necessary to deal firmly" with any violations of the order. Martial Law Decree No. 12 (9 June 1989) forbade "printing and organizing the posting and distribution of rebellious counter-revolutionary slogans, handbills, and big and small character posters" and ordered their removal.

57. The régime also undertook an extensive campaign to ban all books deemed subversive, sending police and officials to scrutinize all bookstores and stalls and to seize hundreds of thousands of books that purportedly contain "bourgeois liberal ideas". New China News Agency reported that Beijing police and publishing authorities had confiscated about 180,000 books. According to Ming Pao, Beijing bookstores may not sell works by 10 leading intellectuals; 133 different books and journals containing "subversive ideas" were banned.

58. There have also been severe restrictions on the access of Chinese citizens to outside sources of information, as well as limitations on the access of foreign media to Chinese citizens. Martial Law Decree No. 3 established limits on foreign journalists: it banned foreign journalists from "going to official institutions, organizations, schools, factories, enterprises and neighbourhoods to conduct news-gathering activities, take photos, make videotapes and engage in similar activities" without official permission.

59. Shortly after martial law, the satellite and wire transmissions of foreign news services were disrupted, to be restored and disrupted on later occasions. After 4 June non-PRC print and television journalists were warned about and hindered in their news-gathering activities by Beijing public security forces; arrests of a BBC journalist and crew, and expulsions of two Voice of America, one Associated Press and other reporters were, mostly, for alleged violations of martial law restrictions on news-gathering.

60. Finally, Government decrees and actions have severely limited the ability of Chinese citizens throughout the country to receive information from abroad. Beijing Martial Law Decree No. 15 (18 June 1989) prohibited the possession of fax machines, and the authorities' close monitoring of fax machines in workplaces was aimed largely at stemming receipt of outside news reports from Hong Kong and elsewhere. Some local authorities issued regulations barring the receipt from abroad of faxes or news. Letters from abroad, and especially from Hong Kong were carefully monitored by authorities - a violation of the right to privacy (art. 12, Universal Declaration).

61. These severe restrictions on Chinese citizens' rights to freedom of expression and information cannot be justified. When it imposed martial law, and in the weeks since, the Government faced no serious threat of grave public disorder or violent revolution. The restrictions on these rights have greatly exceeded any level warranted by an existing threat of social unrest.

IX. Conclusions: gross violations of human rights in China

62. The facts recounted above make it plain that in its suppression of the pro-democracy movement the Chinese Government has engaged in gross violations of the fundamental rights and freedoms of its citizens. These rights include some from which international law permits no derogation, even during a public emergency threatening the life of the nation. Among the rights violated are:

(1) The right to life of many of its citizens (art. 3, Universal Declaration)

(a) by its disproportionate and indiscriminate use of lethal force in its military operation in Beijing in June, compounded by its refusal to carry out an independent investigation into the killings;

(b) by its arbitrary execution of persons involved in pro-democracy protests, in blatant disregard of the procedural and substantive guarantees required by international law to be observed.

(2) The right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Universal Declaration, art. 5, and Convention Against Torture), by its treatment of those persons who have been arrested, interrogated and tried in the crack-down.

(3) The right not to be subject to arbitrary arrest and detention (Universal Declaration, art. 9), most prominently in the post-4 June crack-down, but also by imposing unjustifiable or disproportionately severe sentences on those put on trial for actions taken as part of the pro-democracy movement.

(4) The rights to freedom of peaceful assembly and association (Universal Declaration, art. 20), by its suppression of essentially peaceful demonstrations, by banning the formation of student and worker organizations, and by the imposition of criminal or other penalties on leaders of several such new independent organizations.

(5) The right to a fair and public trial by an independent and impartial tribunal (Universal Declaration, art. 10) and the right of an accused person to be presumed innocent and to be provided with the guarantees necessary for his defence (Universal Declaration, art. 11), by the way it has dealt with persons arrested since 4 June.

(6) The right to freedom of opinion and expression and the freedom to seek, receive and impart information and ideas (Universal Declaration, art. 19), by the actions it has taken to prevent the reception by its citizens of information from independent sources.

63. While international law does permit full enjoyment of these rights to be restricted in some circumstances, it is plain that the Chinese Government may not derogate from certain of these rights, in particular the right to life and the right not to be subjected to torture or other ill-treatment. As the International Covenant on Civil and Political Rights puts it, such derogation is permissible only "[i]n time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed" (art. 4). Even then, derogation is permitted only "to the extent strictly required by the exigencies of the situation".

64. Chinese justifications of its actions are invalid. The Chinese Government has sought to justify its actions by portraying the pro-democracy movement as a violent uprising gravely threatening social order, to which it responded with reasonable and measured force and other measures. Yet it is clear that the overwhelming majority of those involved in the pro-democracy movement were peaceful in their objectives and their actions. What they posed was not a threat to the life of the nation, but a threat to a ruling group desperate to retain its own power and privileges. Under international law, that is not enough.

65. China's claim of interference in its internal affairs is untenable. The Chinese Government has responded to international criticism of its actions by asserting that its suppression of the pro-democracy movement is a purely "internal" matter and is not a legitimate concern of the international community. However, such a claim is simply untenable in the context of

present international law relating to massive violations of human rights, as well as being inconsistent with China's own conduct in international human rights forums.

66. China has voluntarily accepted obligations under treaties which require it to ensure the enjoyment of human rights by its citizens. When China was admitted to the United Nations, it assumed an obligation under the Charter of the United Nations to take joint and separate action to "promote ... universal respect for, and observance of, human rights and fundamental freedoms for all" (Charter, Arts. 55 and 56). It is bound by established human rights standards which are part of customary law or which have been accepted by the international community as interpreting the human rights provisions of the Charter, in particular the Universal Declaration of Human Rights, which enshrines many customary international law standards.